

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
CONNOR ENCABABIAN,

Plaintiff,

-against-

ARMANDO VILLA-IGNACIO,
MICHAEL CUGGINO, and
JOSEPHINE CUGGINO

Defendants,
-----X

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint, plus the costs, fees and disbursements of this action.

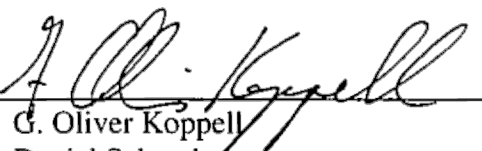
Plaintiff designates Bronx County as the place of trial. The basis of venue is that a substantial part of the events giving rise to the claim occurred in Bronx County.

Dated: New York, New York

August 26, 2019

**LAW OFFICES OF G. OLIVER
KOPPELL & ASSOCIATES**

By:



G. Oliver Koppell

Daniel Schreck

Counsel for Plaintiff

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TO: ARMANDO-VILLA IGNACIO
709 Teall Ave.
Syracuse, NY 13206

MICHAEL CUGGINO
19 Huxley Lane
Lake Ronkonkoma, NY 11779

JOSEPHINE CUGGINO
19 Huxley Lane
Lake Ronkonkoma, NY 11779

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX-----X
CONNOR ENCABABIAN,

Plaintiff,

Index No.:

VERIFIED COMPLAINT

-against-

ARMANDO VILLA-IGNACIO,
MICHAEL CUGGINO, and
JOSEPHINE CUGGINODefendants,
-----X

Plaintiff Connor Encababian ("Mr. Encababian"), by and through his attorneys, the Law Offices of G. Oliver Koppell & Associates, complains of the above-named Defendants, and alleges as follows:

THE PARTIES

1. Mr. Encababian is and has always been a resident of Bronx County in the State of New York.
2. Upon information and belief, Defendant Armando Villa-Ignacio ("Mr. Villa-Ignacio") is currently a resident of Onondaga County in the State of New York.
3. Defendants Michael Cuggino ("Mr. Cuggino") and Josephine Cuggino ("Ms. Cuggino") are a married couple who reside together in Suffolk County in the State of New York.
4. Mr. Encababian is the second cousin of Mr. Villa-Ignacio and the first cousin, once removed, of Ms. Cuggino.
5. Mr. Villa-Ignacio is the son of Ms. Cuggino.
6. Upon information and belief, Mr. Cugino adopted Mr. Villa-Ignacio when Mr. Villa-Ignacio was a minor.

BACKGROUND

7. While Mr. Encababian was growing up, his family ("The Encababians") and all three Defendants were very close.

8. Throughout Mr. Encababian's youth, the Encababians would frequently travel to Lake Ronkonkoma, New York, to visit the family residence of the Defendants, who all lived together, for celebrations and family gatherings.

9. The Defendants would also travel to Mr. Encababian's childhood home in The Bronx, where Mr. Encababian lived with his family, for such celebrations and family gatherings.

10. These celebrations and family gatherings would occur approximately every few months throughout Mr. Encababian's youth.

FACTUAL ALLEGATIONS

11. Beginning at or around the time period in which Mr. Encababian was in third grade (approximately 8-9 years old), and continuing until Mr. Encababian was in tenth grade (approximately 15-16 years old), Mr. Villa-Ignacio would regularly coerce Mr. Encababian into performing sex acts with him at these family gatherings and celebrations against Mr. Encababian's will.

12. At all times in which Mr. Villa-Ignacio was regularly coercing Mr. Encababian into performing sex acts against Mr. Encababian's will, Mr. Encababian was below the age of consent in New York and thus could not legally consent to such acts.

13. Mr. Villa-Ignacio is four years older than Mr. Encababian. The sexual abuse began when Mr. Villa-Ignacio was approximately 12 years old and concluded when Mr. Villa-Ignacio was approximately 19 years old.

14. At these family gatherings and celebrations, Mr. Villa-Ignacio would systematically lure Mr. Encababian into a bedroom or to the basement where the boys would be alone and out of sight of all adults.

15. Once alone, Mr. Villa-Ignacio would coerce Mr. Encababian to engage in oral and anal sodomy.

16. At no point did Mr. Encababian consent to such sexual activity at any time.

17. Such conduct of Mr. Villa-Ignacio constitutes multiple crimes under New York criminal law, including, but not limited to, violations of New York Penal Law § 130.20, § 130.25, § 130.40, § 130.52, § 130.55, § 130.60, § 130.75, and § 255.25.

18. At some point after the abuse had been ongoing for some time, Mr. Encababian became aware that Mr. Villa-Ignacio was victimizing other members of the family, specifically Mr. Encababian's cousin, Garret.

19. During a family party at Mr. Encababian's house, Mr. Encababian found himself in his room with Mr. Villa-Ignacio and Garret. Mr. Villa-Ignacio attempted to make sexual advances towards Mr. Encababian with Garret present.

20. In response to Mr. Villa-Ignacio's sexual advances directed towards Mr. Encababian in the presence of Garret, Garret remarked that he had engaged in sexual activity against his will with Mr. Villa-Ignacio as well.

21. Garret remarked to Mr. Encababian, "Migi (Mr. Villa-Ignacio) does stuff like this to me all the time."

22. Upon information and belief, Garret's parents notified Mr. Villa-Ignacio's parents, Defendants Mr. and Ms. Cuggino, about Mr. Villa-Ignacio's abuse of Garret after learning about it from Garret.

23. Despite being notified of the fact that their son, Mr. Villa-Ignacio, had coerced Garret into performing sex acts with Mr. Villa-Ignacio against his will, Mr. and Ms. Cuggino did not inform Mr. Encababian, or his parents, or take any affirmative measures to reasonably restrain Mr. Villa-Ignacio from continuing his abuse of Mr. Encababian.

24. At or around the year 2007, Mr. Cuggino remarked to Mr. Encababian's father, referring to a hypothetical child, that Mr. Cuggino, "wouldn't let his (Mr. Cuggino's) kid be with Migi (Mr. Villa-Ignacio), he's (Mr. Villa-Ignacio) so gay." Upon information and belief, this statement about Mr. Cuggino not allowing a hypothetical child of his to be around Mr. Villa-Ignacio was made because Mr. Cuggino knew that Mr. Villa-Ignacio was a predator who, in the opinion of Mr. Cuggino, could not be trusted to be around children.

25. On June 25, 2016, Mr. Encababian's sister, Chelsea ("Ms. Encababian"), contacted Mr. Villa-Ignacio via Facebook Messenger with the intention of discussing his abuse of Mr. Encababian.

26. Ms. Encababian wrote to Mr. Villa-Ignacio, "Hey I need to ask you something that has been bothering me. And it's really fucked up but did you ever do somethings (sic) that would be terrible to my family member."

27. In response to Ms. Encababian's message, Mr. Villa-Ignacio responded, "Ok, I know what you're talking about and I know...it was an incredibly fucked up thing for me to do and I do understand that. I was an immature asshole as a kid and I'm really sorry about it. I wanted to talk to him about it and tell him how sorry I was and I shouldn't have."

28. Later in the conversation, Ms. Encababian stated, "...You have really alter (sic) my brother's life for the worse. He has dealt with fear and depression. All because of you. You should feel more than fear. It's not just immaturity Migi. This is ridiculous and crazy."

29. Mr. Villa-Ignacio's response to the above message was "Yes. I was a predator. I was young, and stupid, and I didn't think about the repercussions of my actions and the effect it would have on him....I will deal with the consequences of my inappropriate actions because I made those mistakes."

30. Later in the conversation, Ms. Encababian wrote, "It wasn't just Connor thought (sic) was it. He told me you did it to Garret"

31. Mr. Villa-Ignacio's response to this was, "i (sic) did, and Auntie Debbie knows. Auntie Debbie confronted me about it a long time ago. and (sic) I spoke to Garret about it already..."

32. Later in the conversation, Mr. Villa-Ignacio stated, in reference to Mr. Encababian, "I wish I had the sense to ask if he was ok, but I didn't. And that makes me a rapist and disgusting."

33. Such statements, most notably "I was a predator" and "And that makes me a rapist" constitute an admission of liability on the part of Mr. Villa-Ignacio. Mr. Villa-Ignacio's self-characterization as both a "predator" and a "rapist" shows that he knows he is liable for the causes of action alleged herein.

AS AND FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANT

ARMANDO VILLA-IGNACIO FOR ASSAULT

34. Mr. Encababian re-alleges and incorporates all the facts and allegations expressed above as if more fully alleged and incorporated herein.

35. The conduct of Mr. Villa-Ignacio detailed herein, including luring Mr. Encababian into Mr. Villa-Ignacio's bedroom or into the basement in order to sexually abuse him was done with the intent to place Mr. Encababian in fear of imminent and offensive harmful contact and did in fact place Mr. Encababian in fear of imminent and offensive harmful contact.

36. Mr. Villa-Ignacio's superior size and age relative to Mr. Encababian, in combination with the repeated nature of the sexual abuse, gave Mr. Villa-Ignacio the real and apparent ability to bring about such harmful or offensive bodily contact.

37. As a result, Mr. Encababian suffered severe mental and physical injuries.

38. Such injuries caused were the result of conduct which would constitute a sexual offense as defined in article one hundred thirty of the New York penal law committed against a child less than eighteen years of age as well as incest defined in section 255.25 of the penal law committed against a child less than eighteen years of age.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST DEFENDANT

ARMANDO VILLA-IGNACIO FOR BATTERY

39. Mr. Encababian re-alleges and incorporates all the facts and allegations expressed above as if more fully alleged and incorporated herein.

40. The conduct of Mr. Villa-Ignacio detailed herein, including repeatedly forcing Mr. Encababian to engage in anal and oral sodomy against his will was intentional, done with malice, and with the intent to cause Mr. Encababian severe bodily harm.

41. At no point did Mr. Encababian consent to the intentional touching of his body by Mr. Villa-Ignacio.

42. Such conduct by Mr. Villa-Ignacio directed toward Mr. Encababian constituted offensive bodily contact because it was done with the intent of harming Mr. Encababian and offending his sense of personal dignity.

43. Such conduct of Mr. Villa-Ignacio was conducted solely with malice and was not done in self-defense as Mr. Villa-Ignacio had no reason to feel the need to defend himself.

44. As a result of such offensive bodily contact, Mr. Encababian suffered mental and physical injuries.

45. Such injuries caused were the result of conduct which would constitute a sexual offense as defined in article one hundred thirty of the New York penal law committed against a child less than eighteen years of age as well as incest defined in section 255.25 of the penal law committed against a child less than eighteen years of age.

AS AND FOR A THIRD CAUSE OF ACTION AGAINST DEFENDANT
ARMANDO VILLA-IGNACIO FOR THE INTENTIONAL INFLICTION
OF EMOTIONAL DISTRESS

46. Mr. Encababian re-alleges and incorporates all the facts and allegations expressed above as if more fully alleged and incorporated herein.

47. Mr. Villa-Ignacio engaged in a course of conduct intended to threaten, humiliate, and cause Mr. Encababian both severe mental and physical harm.

48. Mr. Villa-Ignacio's conduct, in repeatedly subjecting Mr. Encababian to oral and anal sodomy, without consent, on many occasions over an extended period of time, was shocking, outrageous, and exceeds all reasonable bounds of decency normally tolerated in a civilized society.

49. As a direct result of the intentional conduct of Mr. Villa-Ignacio, Mr. Encababian suffered and continues to suffer severe emotional distress of such an intensity that no reasonable person should be expected to endure. As a direct and proximate cause of such abuse, Mr. Encababian has exhibited symptoms of PTSD, anorexia, bulimia, difficulties with interpersonal relationships, depression, anxiety, body dysmorphia, gender dysphoria, and difficulties with distress tolerance.

50. Such injuries caused were the result of conduct which would constitute a sexual offense as defined in article one hundred thirty of the New York penal law committed against a child less than eighteen years of age as well as incest defined in section 255.25 of the penal law committed against a child less than eighteen years of age.

AS AND FOR A FOURTH CAUSE OF ACTION AGAINST
DEFENDANT'S MICHAEL CUGGINO AND JOSEPHINE CUGGINO
FOR FAILURE TO RESTRAIN

51. Mr. Encababian re-alleges and incorporates all the facts and allegations expressed above as if more fully alleged and incorporated herein.

52. Mr. Villa-Ignacio's conduct detailed herein, including repeatedly subjecting Mr. Encababian to sexual abuse over an extended period of time, and repeatedly subjecting Garret to sexual abuse over an extended period of time constitutes a propensity on the part of Mr. Villa-Ignacio to conduct himself in a vicious manner so as to intentionally harm others.

53. Upon information and belief, Mr. Villa-Ignacio's parents, Mr. and Mrs. Cuggino, were aware of the vicious propensities of their son, Mr. Villa-Ignacio.

54. Because Mr. Villa-Ignacio was an infant at the time in which he exhibited such a propensity to conduct himself in a vicious manner so as to intentionally harm others, Mr. and Ms. Cuggino had a duty to use reasonable care to restrain Mr. Villa-Ignacio from so viciously conducting himself as to intentionally harm others.

55. Mr. and Ms. Cuggino failed to warn Mr. Encababian or his parents about Mr. Villa-Ignacio's vicious propensities.

56. Mr. and Ms. Cuggino failed to take any affirmative actions to restrain Mr. Villa-Ignacio from so viciously conducting himself as to intentionally harm others.

57. In failing to affirmatively restrain Mr. Villa-Ignacio or notify Mr. Encababian or his parents, Mr. and Ms. Cuggino exercised a level of care less than what a reasonably prudent parent would have done under the same circumstances.

58. In exercising a level of care less than what a reasonably prudent parent would have done under the same circumstances, Mr. and Ms. Cuggino breached their duty to restrain Mr. Villa-Ignacio from so viciously conducting himself as to intentionally harm others.

59. As a direct and proximate cause of Mr. and Ms. Cuggino's breach of their duty to restrain Mr. Villa-Ignacio from so viciously conducting himself as to intentionally harm others, Mr. Encababian suffered physical and mental damages.

60. Such injuries caused were the result of conduct which would constitute a sexual offense as defined in article one hundred thirty of the New York penal law committed against a child less than eighteen years of age as well as incest defined in section 255.25 of the penal law committed against a child less than eighteen years of age.

61. The amount sought on each cause of action exceeds the monetary jurisdictional limits of any and all lower Courts which would otherwise have jurisdiction.

DEMAND FOR A JURY

62. Mr. Encababian hereby demands a jury trial on any issues triable by jury pursuant to CPLR § 4102.

PRAYER FOR RELIEF

WHEREFORE, Mr. Encababian respectfully requests the court to grant the following relief:

1. On the first Cause of Action, directing Defendant Armando Villa-Ignacio to pay Mr. Encababian compensatory and punitive damages at an amount to be determined at trial;

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Index No.:

**ATTORNEY
VERIFICATION**

G. Oliver Koppell, Esq., an attorney duly admitted to practice law in the Courts of the State of New York, hereby affirms the following:

1. I am counsel for the Plaintiff, Connor Encababian, in the within action.
2. I have read the foregoing Summons and Complaint, and know the contents thereof and the same is true to my knowledge, except as to the matters therein stated to be alleged upon information and belief and that as to those matters I believe them to be true.
3. The reason I am making this verification instead of Plaintiff is that Plaintiff resides outside the county of New York where I maintain my offices.

Dated: New York, New York
August 26, 2019


G. Oliver Koppell, Esq.